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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,138	03/29/2001	Kiran Challapali	US 010121	5629

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EXAMINER

LEWIS, MICHAEL A

ART UNIT PAPER NUMBER

2655

DATE MAILED: 02/05/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,138

Applicant(s)

CHALLAPALI, KIRAN

Examiner

Lewis A Michael

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 02.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 - 12 & 17 - 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Sutton et al. (U.S. Patent 6539354).

Regarding claims 1 and 9, Sutton et al. disclose, a visual system or program product stored on a recordable medium [computer with storage], which when executed provides a visual speech system, comprising (Fig 1, Title):

- a. A data import system for receiving text data that includes word strings and emoticon strings. Sutton's application includes an audio and text based input where users can also select the desired emotion parameter [claimed emoticon] of the display character (Col 20, Lines 12 31).
- b. A text-to-animation system for generating a displayable animated face image that can reproduce facial movements corresponding to the received word strings and the received emoticon strings (Col 20, Lines 47 – 52, Fig 10).

Regarding claim 2, Sutton et al. disclose a visual system/program further comprising a keyboard for typing in text data (Col 20, Line 56).

Regarding claim 3, Sutton et al. disclose a visual system/program further comprising a text-to-audio system that can generate an audio speech broadcast corresponding the received word strings (Col 20, Lines 47 – 52).

Regarding claim 4, Sutton et al. disclose an audio-visual interface for displaying the display able animated face image along with the audio speech broadcast (Col 20, Line 47 – 56).

Regarding claims 5 & 10, Sutton et al. disclose that the text-to-animation system associates each emoticon string [emotion parameter] with an expressed emotion, and wherein the expressed emotion is reproduced on the animated face image with at least one facial movement (Col 20, Lines 19 –23, Fig 10).

Regarding claims 6 & 11, Sutton et al. disclose that system or program wherein the text-to-animation system associates each word string with a spoken word, and wherein the spoken word is reproduced on the animated face image with at least one mouth movement [talking] (Col 20, Lines 19 – 21).

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Regarding claims 17 and 19, Sutton et al. disclose a method of performing visual speech on a system having a displayable animated face image (Title), comprising the steps of: entering text data into a keyboard, wherein the text data includes word strings and emoticon strings [emotion parameter]; converting the word strings to audio speech; converting the word strings to mouth movements on the displayable animated face image, such that the mouth movements correspond with the audio speech; converting the emoticon strings to facial movements on the displayable animated face image, such that the facial movements correspond with expressed emotions associated with the entered emoticon strings [emotion parameter]; and displaying the animated face image along with a broadcast of the audio speech (Col 20, Lines 14 – 52, Fig. 10).

Regarding claims 7, 12 & 18, Sutton et al. disclose a system or program wherein at least one facial movement is morphed with the at least one mouth movement. Sutton's describes an algorithm for morphing facial movement with the movement of the mouth [lip-syncing] (Col 20, Lines 32 – 41, Fig. 10).

Regarding claim 20, Sutton et al. disclose a visual speech system (Title), comprising: a data import system for receiving text data that includes at least one emoticon string, wherein the at least one emoticon string is associated with a predetermined facial expression. Sutton describes auto-expressions from which the user can choose several predetermined facial and body movement to make the animation more lifelike (Col 20,

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Line 6, Col 20, Lines 19 - 21). In addition, Sutton describes a text-to-animation system for generating a displayable animated face image that can simulate at least one facial movement corresponding to the predetermined facial expression (Col 20, Lines 46 – 53, Fig. 10).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 13 – 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutton et al. in further view of Grayson et al. (US Patent 5963217).

Regarding claim 13, Sutton et al. disclose an online chat system/application [Web Chat system] having visual speech capabilities, comprising: a first networked client having: a first data import system for receiving text data that includes word strings and emoticon

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strings; and a data export system for sending the text data to a network; and a second networked client having: a second data import system for receiving the text data from the network; and a text-to-animation system for generating a displayable animated face image that reproduces facial movements corresponding to the received word strings and the received emoticon strings [emotion parameter] contained in the text data (Col 20, 19 – 21; 43 – 59). In the embodiment, Sutton et al. do not disclose that a web chat application consists of two client machines that have the ability to import and export text/audio data over a network. However, Grayson et al. disclose an electronic conferencing system over a computer network where text is imported, exported and translated to audible speech at end-user or client computers (Title). Communicating by text over the network and translating to speech and animation at the end user computer is a very cost effective means of communicating since less bandwidth is utilized relative to video or audio data.

Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify Sutton et al. by using a network with client computers as taught by Grayson et al. since it would have increased the effectiveness of the web chat application to do text-to-animation processing on a local computer.

Regarding claim 14, Sutton et al. disclose that the text-to-animation system associates each emoticon string [emotion parameter] with an expressed emotion, and wherein the

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expressed emotion is reproduced on the animated face image with at least one facial movement (Col 20, Lines 19 –23, Fig 10).

Regarding claim 15, Sutton et al. disclose that system or program wherein the text-to-animation system associates each word string with a spoken word, and wherein the spoken word is reproduced on the animated face image with at least one mouth movement [talking] (Col 20, Lines 19 – 21).

Regarding claim 16, Sutton et al. disclose a system or program wherein at least one facial movement is morphed with the at least one mouth movement. Sutton's describes an algorithm for morphing facial movement with the movement of the mouth [lip-syncing] (Col 20, Lines 32 – 41, Fig. 10).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gasper et al (U.S. Patent 5689618), Trower et al. (U.S. Patent 5983190), Lyberg et al. (U.S. Patent 6389396), Henton et al. (U.S. Patent 5878396) and Cosatto et al. (U.S. Patent 6662161).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lewis A Michael whose telephone number is 703 505-

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8730. The examiner can normally be reached on Monday through Friday, 8:30 am – 5 pm.

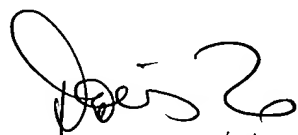
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, To Doris can be reached on (703)305-4827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lewis A Michael
Examiner
Art Unit 2655

Mal

2/02/2004


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